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February 1, 2021

VIA ECF

Honorable Kevin McNulty, U.S.D.J.
United States District Court, District of New Jersey
United States Post Office & Courthouse
Federal Square, Room 369
Newark, NJ 07101

Re: *United States ex rel. Silbersher v. Janssen Biotech, et al.*, Civil
Action No. No. 19-12107(KM-JBC)
Self-Insured Schools of California v. Janssen Biotech, Inc., et al.,
Civil Action No. 19-14291 (KM-JBC)
*Louisiana Health Service & Indemnity Co., et al. v. Janssen Biotech,
Inc., et al.*, Civil Action No. 19-14146 (KM-JBC)

Dear Judge McNulty:

We represent the Janssen defendants and write on behalf of all defendants to request a status conference with the Court at the Court's convenience to discuss the status of these multiple actions. As your Honor may recall, at our last conference with the Court on June 5, 2020, the Court recognized that further action in the *Silbersher qui tam* case (19-12107) awaits resolution of class leadership issues and the filing of an amended complaint in the related antitrust actions, Case Nos. 19-14146 & 19-14291. Thus, the Court administratively terminated Defendants' joint motion to dismiss the *Silbersher* case on June 22, 2020. *See* Dkt. 109. Per the Court's order, Defendants' joint motion is to be restored by "letter notification in coordination with the deadline to answer or otherwise move with respect to Plaintiffs' Complaints" in the antitrust actions. *See* Dkt. 109.

Plaintiffs' counsel in the antitrust actions have not been able to resolve their class leadership issues, so all three cases have been dormant. Despite the fact that there is no motion to dismiss pending, on December 21, 2020 (Dkt. 110), Relator requested the Court to forgo oral argument and deny Defendants' administratively terminated joint motion to dismiss on the basis of a recently issued decision by Chief Magistrate Judge Joseph Spero in one of Relator's other, pending *qui tam* lawsuits, *see Silbersher v. Allergan, Inc.*, 2020 WL 7319407 (N.D. Cal. Dec. 11, 2020). Defendants

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Honorable Kevin McNulty, U.S.D.J.

February 1, 2021

Page 2

will address the procedural and substantive flaws with Relator's request in a separate letter. For present purposes, we respectfully request a status conference with the Court and all counsel in all three cases to discuss the status of these cases, which Defendants continue to believe should proceed along a similar track due to a shared factual predicate in the underlying patent's initial prosecution and subsequent enforcement before your Honor.

Respectfully yours,

s/ Jeffrey J. Greenbaum

JEFFREY J. GREENBAUM

cc: All Counsel of Record (via ECF)
Honorable James B. Clark III, U.S.M.J. (via ECF)